



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/031,767	02/27/1998	KAZUHIKO HATANO	35.C12600	9089

5514 7590 09/11/2002

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

[REDACTED] EXAMINER

TILLERY, RASHAWN N

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2612

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/031,767	HATANO, KAZUHIKO
	Examiner Rashawn N Tillery	Art Unit 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 June 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Continued Prosecution Application

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Response to Arguments

Applicant's arguments filed May 28, 2002 concerning the Takahashi et al and Sekine et al '481 patents have been fully considered but they are not persuasive.

Examiner acknowledges that the subject matter sought to be patented and the subject matter of the prior art are different, however, Applicant's claim language is currently written broadly enough where a broad interpretation of the prior art can be read on it.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 4-5, 7-8, 10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (US5162914) in view of Sekine et al (US5949481).

Regarding claim 1, Takahashi discloses, in col. 2, lines 8-21, an image pickup device for increasing an apparent dynamic range of a video signal by selecting a proper exposure portion (see col. 6, lines 48-55; Takahashi selects a portion of the image with no blackenings or white blankings; also see col. 7, lines 1-4) from a plurality of images sequentially picked up at different exposure amounts and the plurality of images are added to produce a corresponding portion of an image. Takahashi does not explicitly disclose producing the corresponding portion of the image based on the detection of motion vectors and the comparison of the detection result to a predetermined threshold.

Sekine discloses, in col. 7, lines 13-29, that it is well known in the art to utilize a motion vector detecting circuit for determining the amount of shake in a camera and to also compare the detected vector to a predetermined threshold.

Thus, since it is well known in the art that excessive movement of the camera distorts image quality, it would have been obvious to one of ordinary skill in the art at the time the invention was made to detect a motion vector and compare the result to a threshold, as taught by Sekine. It would have been further obvious for Takahashi to produce the corresponding portion of the image based on the detection of motion vectors and the detection result being larger than a predetermined threshold since excessive movement of the camera is evident. One would have been motivated to do so in effort to form an image of an object from a moving scene free of distortion.

Regarding claims 2 and 10, see claim 1 above. In addition, Sekine discloses, in figure 1, a motion vector detecting circuit (30), a vector difference detecting circuit (40) and a comparison circuit (36).

Regarding claim 4, Takahashi discloses, in col. 11, lines 28-33, an image pickup device capable of changing a shutter speed in order to change the exposure amount.

Regarding claims 5 and 12, see claim 4 above.

Regarding claim 7, Takahashi discloses, in col. 11, lines 28-33, an image pickup device capable of changing an iris at high speed in order to change the exposure amount.

Regarding claims 8 and 14, see claim 7 above.

2. Claims 3, 6, 9, 11, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Sekine et al (US6130709) in further view of Sekine et al (US5949481).

Regarding claims 3 and 11, Takahashi discloses, in col. 2, lines 8-21, an image pickup device for increasing an apparent dynamic range of a video signal by selecting a proper exposure portion (see col. 6, lines 48-55; Takahashi selects a portion of the image with no blackenings or white blankings; also see col. 7, lines 1-4) from a plurality of images sequentially picked up at different exposure amounts and the plurality of images are added to produce a corresponding portion of an image.

Takahashi does not explicitly disclose the use of motion vectors as a means for correcting the plurality of images in the event that they are larger than a predetermined threshold. However, Sekine reveals, in figure 6, that it is well known in the art to correct for shake, before outputting an enlarged image, using a movement vector detecting circuit (62) and an image shift circuit (68) for shifting the image in accordance with a detection result (see col. 5, lines 52-67 and col. 6, lines 1-6 where the movement vector and image shift circuits are discussed).

Neither Takahashi nor Sekine explicitly disclose the use of the claimed motion vector detecting circuit, vector difference detecting circuit or comparison circuit. However, Sekine (US5949481) reveals, in col. 7, lines 13-29, that it is well known in the art to utilize a motion vector detecting circuit for determining the amount of shake in a camera and to also compare the detected vector to a predetermined threshold.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a camera capable of correcting an image signal in the case of excessive camera shake, as taught by Sekine, in the event that the plurality of images, taken at different exposures, as taught by Takahashi, were distorted and output a synthesized image. It would have also been obvious to one of ordinary skill in the art at the time the invention was made to implement the motion detecting means and comparison circuit, taught by Sekine (US5949481), as an alternative to Sekine's motion detector, which only detects motion vectors between frames. It would have been further obvious for Takahashi to produce the corresponding portion of the image based on the detection of motion vectors and the detection result being larger than a predetermined threshold since excessive movement of the camera is evident. One would have been motivated to do so in effort to form an image of an object from a moving scene free of distortion.

Regarding claims 6 and 13, see claim 4 above.

Regarding claims 9 and 15, see claim 7 above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-308-5359 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

RNT
September 6, 2002

Wendy R. Garber
WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600